

JS 44C/SDNY  
REV. 5/2010

## CIVIL COVER SHEET

11CV2720  
Swash

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS	DEFENDANTS
Appellee: Lehman Brothers Holdings Inc., et al.	Appellant: U.S. Bank National Association, as Trustee
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)	ATTORNEYS (IF KNOWN)
Weil Gotschal & Manges LLP (see below)	Chapman and Cutler LLP (see below)
CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE) (DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)	
Appeal of an Order of the United States Bankruptcy Court in In re Lehman Brothers Holdings Inc., et al.	

Has this or a similar case been previously filed in SDNY at any time? No?  Yes?  Judge Previously Assigned \_\_\_\_\_

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [x] IN ONE BOX ONLY) NATURE OF SUIT 08-13555 #1532

## ACTIONS UNDER STATUTES

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
	PERSONAL INJURY	PERSONAL INJURY	[ ] 610 AGRICULTURE [ ] 620 OTHER FOOD & DRUG [ ] 625 DRUG RELATED SEIZURE OF PROPERTY [ ] 630 LIQUOR LAWS [ ] 640 RR & TRUCK [ ] 650 AIRLINE REGS [ ] 660 OCCUPATIONAL SAFETY/HEALTH [ ] 690 OTHER	X 422 APPEAL 28 USC 158 [ ] 423 WITHDRAWAL 28 USC 157	[ ] 400 STATE REAPPORTIONMENT [ ] 410 ANTITRUST [ ] 430 BANKS & BANKING [ ] 450 COMMERCE [ ] 460 DEPORTATION [ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT [ ] 480 CONSUMER CREDIT [ ] 490 CABLE/SATELLITE TV [ ] 510 SELECTIVE SERVICE [ ] 850 SECURITIES/COMMODITIES/EXCHANGE [ ] 861 HIA (1395ff) [ ] 862 BLACK LUNG (923) [ ] 863 DW/CD/WW (405(g)) [ ] 864 SSID/TITLE XVI [ ] 865 RSI (405(g))
[ ] 110 INSURANCE [ ] 120 MARINE [ ] 130 MILLER ACT [ ] 140 NEGOTIABLE INSTRUMENT [ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT [ ] 151 MEDICARE ACT [ ] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS) [ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS [ ] 160 STOCKHOLDERS SUITS [ ] 180 OTHER CONTRACT [ ] 195 CONTRACT PRODUCT LIABILITY [ ] 196 FRANCHISE	[ ] 310 AIRPLANE [ ] 315 AIRPLANE PRODUCT LIABILITY [ ] 320 ASSAULT, LIBEL & SLANDER [ ] 330 FEDERAL EMPLOYERS' LIABILITY [ ] 340 MARINE PRODUCT LIABILITY [ ] 350 MOTOR VEHICLE [ ] 355 MOTOR VEHICLE PRODUCT LIABILITY [ ] 360 OTHER PERSONAL INJURY	[ ] 362 PERSONAL INJURY - MED MALPRACTICE [ ] 365 PERSONAL INJURY PRODUCT LIABILITY [ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY [ ] 370 OTHER FRAUD [ ] 371 TRUTH IN LENDING [ ] 380 OTHER PERSONAL PROPERTY DAMAGE [ ] 385 PROPERTY DAMAGE PRODUCT LIABILITY	PROPERTY RIGHTS LABOR [ ] 710 FAIR LABOR STANDARDS ACT [ ] 720 LABOR/MGMT RELATIONS [ ] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT [ ] 740 RAILWAY LABOR ACT [ ] 790 OTHER LABOR LITIGATION	SOCIAL SECURITY [ ] 870 TAXES (U.S. Plaintiff or Defendant) [ ] 871 IRS-THIRD PARTY 26 USC 7609	
REAL PROPERTY	ACTIONS UNDER STATUTES CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	[ ] 891 AGRICULTURAL ACTS [ ] 892 ECONOMIC STABILIZATION ACT [ ] 893 ENVIRONMENTAL MATTERS [ ] 894 ENERGY ALLOCATION ACT [ ] 895 FREEDOM OF INFORMATION ACT [ ] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE [ ] 950 CONSTITUTIONALITY OF STATE STATUTES	
[ ] 210 LAND CONDEMNATION [ ] 220 FORECLOSURE [ ] 230 RENT LEASE & EJECTMENT [ ] 240 TORTS TO LAND [ ] 245 TORT PRODUCT LIABILITY [ ] 290 ALL OTHER REAL PROPERTY	[ ] 441 VOTING [ ] 442 EMPLOYMENT [ ] 443 HOUSING/ACCOMMODATIONS [ ] 444 WELFARE [ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT [ ] 446 AMERICANS WITH DISABILITIES-OTHER [ ] 440 OTHER CIVIL RIGHTS	[ ] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255 [ ] 530 HABEAS CORPUS [ ] 535 DEATH PENALTY [ ] 540 MANDAMUS & OTHER [ ] 550 CIVIL RIGHTS [ ] 555 PRISON CONDITION	IMMIGRATION [ ] 462 NATURALIZATION APPLICATION [ ] 463 HABEAS CORPUS-ALIEN DETAINEE [ ] 465 OTHER IMMIGRATION ACTIONS		

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE: \_\_\_\_\_

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)							ORIGIN
<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2a. Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input checked="" type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment	
<input type="checkbox"/> 2b. Removed from State Court AND at least one party is pro se.							
(PLACE AN X IN ONE BOX ONLY)							
<input type="checkbox"/> 1 U.S. PLAINTIFF <input type="checkbox"/> 2 U.S. DEFENDANT				<input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY)	<input type="checkbox"/> 4 DIVERSITY	IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1332, 1441)	

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 3	DEF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 3	INCORPORATED <u>and</u> PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 5 <input type="checkbox"/> 5	DEF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 5 <input type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2	INCORPORATED <u>or</u> PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 4	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 6 <input type="checkbox"/> 6	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 6 <input type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

U.S. Bank National Association  
c/o Franklin H. Top III  
111 West Monroe Street  
Chicago, IL 60603-4080  
Tel: (312) 845-3000  
Fax: (312) 701-2361

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Lehman Brothers Holdings Inc.  
c/o Harvey R. Miller  
Weil, Gotshal & Manges LLP  
767 Fifth Avenue, Suite 3358-2  
New York, NY 10153  
Tel: (212)-310-8500  
Fax: (212)-310-8007

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one:  THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION.)

DATE 4/12/2011 SIGNATURE OF ATTORNEY OF RECORD



ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO  
 YES (DATE ADMITTED Mo. 9 Yr. 2000)  
Attorney Bar Code #CP-9039

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)